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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/748,716	12/30/2003	Rajeev Prasad	MS#306037.02 (5091.1)	2116

38779	7590	12/28/2007
SENNIGER POWERS (MSFT)		
ONE METROPOLITAN SQUARE, 16TH FLOOR		
ST. LOUIS, MO 63102		

EXAMINER	
CABUCOS, MARIE G	

ART UNIT	PAPER NUMBER
2163	

NOTIFICATION DATE	DELIVERY MODE
12/28/2007	ELECTRONIC

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

uspatents@senniger.com

Office Action Summary

Application No.

10/748,716

Applicant(s)

PRASAD ET AL.

Examiner

Marie Antoinette Cabucos

Art Unit

2163

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 12/30/2003 & amendment filed on 9/27/07.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-34 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-34 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2. Claims 1-34 are rejected under 35 U.S.C. 102(b) as being unpatentable by Muret et al (US Publication no. 2002/0042821).

Regarding claims 1, 15, 16, 21, 23, 24, 26 and 34, Muret discloses in figures 1 and 2, a method of organizing data prior to storing the data, said method comprising accessing configuration information (report request) associated with the data to be stored, said configuration information including at least one expression; receiving the data (200) including at least one condition associated therewith, said condition affecting storage of the received data; evaluating (400) the expression based on the condition (data tables) associated with the received data; storing (300) the received data in accordance with the expression evaluated based on the condition associated with the received data.

3. Regarding claims 2, 3, 17-19, 22, 28 and 29, Muret discloses in figures 1, 2 and 16, a method of organizing data prior to storing the data of claim 1, further comprising formatting the data in accordance with the accessed configuration information prior to storing the data (paragraph 0058-0059); and wherein receiving the data comprises receiving clickstream web data (paragraph 0054) and the condition associated therewith

from a web server (500) and further comprising dividing the received clickstream web data into a plurality of portions based on the expression evaluated based on the received condition (paragraph 0066).

4. Regarding claims 4-6, 9 and 11, Muret discloses in figures 1, 2 and 16 a method of organizing data prior to storing the data according to claim 1, wherein the expression (log entry) specifies one or more operations (traffic information) for organizing the received data, and wherein storing the received data comprises storing a portion of the received data in accordance with the evaluated expression (figures 2); further comprising receiving the configuration information from a user (paragraph 0184); and wherein accessing the configuration information comprises reading configuration information from a central hierarchical database (paragraph 0058-0059).

5. Regarding claims 7, 8, 13, 27, 30 and 32, Muret discloses in figures 1, 2 and 16 a method of organizing data prior to storing the data according to claim 1, further comprising maintaining a history of evaluated expressions to track a sequence of the evaluated expressions (paragraph 0052); and wherein the data is received from a computing device (510), and wherein maintaining the history comprises storing a cookie associated with the computing device, said cookie including the sequence of the evaluated expressions (paragraph 0050-0053).

6. Regarding claims 10, 12, 14, 25, 31 and 33, Muret discloses in figures 1, 2 and 16 a method of organizing data prior to storing the data according to claim 1, wherein the data is received from a computing device and further comprising authenticating (1430) the computing device; and opening a plurality of files to store the received data;

wherein evaluating the expression comprises forwarding the received data to a filter component to evaluate the expression using the condition; and receiving the evaluated expression from the filter component (210); and wherein said receiving the data and said evaluating the expression occur in real-time (paragraphs 0087-0091).

7. Regarding claim 20, Muret discloses in figures 1, 2 and 7 a method of organizing data prior to storing the data according to claim 1, further comprising a scheduling component to create a file for use by the storage component to store the received data (figure 7, reference 930).

Response to Arguments

8. Applicant's arguments filed 9/27/2007 have been fully considered but they are not persuasive. Applicant argues that the elements of the Muret reference have been applied out of order to the limitations of the claims. Examiner respectfully disagrees for independent claims 1, 16 and 21 clearly uses the claim language of "comprising" taken by the examiner to mean that the invention includes the elements following the word and does not imply a sequence of claim elements that has to be followed step by step..

9. In response to applicant's argument that the references fail to show certain features of applicant's invention, it is noted that the features upon which applicant relies (i.e., the claim elements having to be in sequence taken step by step) are not recited in the rejected claim(s). Although the claims are interpreted in light of the specification, limitations from the specification are not read into the claims. See *In re Van Geuns*, 988 F.2d 1181, 26 USPQ2d 1057 (Fed. Cir. 1993).

Pertinent Prior Art

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Prior art of record to Fulgoni et al (US Patent no. 7,181,412) discloses a systems and methods for collecting consumer data.

Prior art of record to Villado et al (US Publication no. 2004/0111507) discloses a systems and methods for monitoring network communication in real-time.

Prior art of record to James D. Green (US Publication no. 2004/0117802) discloses an event monitoring system and method.

Prior art of record to Hope et al (US Publication no. 2004/0139452) discloses dynamic recipients in an event management system.

Conclusion

THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of


the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Inquiry

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Marie Antoinette Cabucos whose telephone number is 571-272-8582. The examiner can normally be reached on 8:30-5:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Don K. Wong can be reached on (571) 272-1834. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.


DON WONG
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Marie Antoinette Cabucos
Examiner
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